BOSTON PUBLIC LIBRARY
3 9999 08654 317 8

№ 7588288

THE TRUSTEES OF THE
PUBLIC LIBRARY
OMNIVM
LVX
CIVIVM
OF THE CITY OF
BOSTON
1852 1878

SPEECH

OF

REV. J. C. LOVEJOY,

BEFORE THE

Committee of the Legislature of Mass.,

7588-288

ON THE PETITION OF THOMAS H. PERKINS, AND OTHERS,

FOR THE

REPEAL OF THE LIQUOR LAW,

MARCH 15, 1853.

Authorized Edition.

BOSTON:
PUBLISHED BY R. C. NICHOLS AND H. W. MUZZEY, 15 STATE ST.
C. C. P. MOODY, PRINTER.

Entered according to Act of Congress, in the year 1853, by R. C. Nichols and H. W. Muzzey, in the Clerk's Office of the District Court of the District of Massachusetts.

from 557366
45609

PUBLIC LIBRARY
OF THE
CITY OF BOSTON

SPEECH.

MR. CHAIRMAN, AND
GENTLEMEN OF THE COMMITTEE:

I am one of the ten thousand who have petitioned for the repeal of the so-called Maine Liquor Law. I will state to you some of the many reasons which have brought my mind to the conclusion that this law ought to be repealed — a conclusion in which my mind rests without the shadow of a disturbing doubt. I am aware of the deep feeling in favor of the law; but truth is stronger than prejudice, and will certainly prevail.

The first plain reason for the repeal of this law is, *the law is directly contrary to the word of God.*

The Scriptures of the Old and New Testament are the only and *sufficient* rule of faith and *practice.* This law and the Bible are in direct conflict. The law makes it a crime to manufacture, furnish or sell, an intoxicating drink as a beverage. The word of God, both in the Old and New Testaments, tolerates, permits, speaks in praise of an intoxicating drink as a beverage. This law forbids, with pains and penalties, what God permits. It pronounces a *malediction* where *He* utters a benediction. The Scriptures must fall, or this law must be swept away.

Turn to that formula of blessings which runs through the Old Testament, in which is summed up every earthly good. "*Your corn, your wine, and your oil shall be multiplied.*" Read it according to the teachings of your law, and it stands: "Your corn, your *poison,* and your oil shall be multiplied." What kind of a blessing is that? But that was the blessing,

if the principle of the law was right. When Isaac blessed Jacob, (and that blessing was by divine appointment, as all believe who believe in the inspiration of the Scriptures,) he predicted for him "plenty of corn and wine." Gen. 27 : 28.

The blessings of Jacob upon his dying bed are not at all to be taken as the expressions of his partiality or affection for his children; but they were directed by the Holy Spirit, (Dr. Scott in Loco.) The prominent feature in the blessing of Judah, was the magnificent vine of his hills — its fruits and wines.

When God himself blessed Israel, he blessed their "corn, their oil, and vine." (Deut. 7 : 13.)

When the children of Israel went up to the feast at Jerusalem, they were to carry corn, wine, and oil, *or* they were permitted to buy these articles at Jerusalem — to *traffic* in them. (Deut. 14 : 23–26.)

When provision was made for the priests, it was the first fruits of "corn, *wine*, and oil." (Deut. 18 : 14.) These are only a few of the many instances where wine is pronounced a blessing in the Old Testament.

We come, then, to the new dispensation, in which God's character is presented and personified. He who spake as never man spake, and who never erred in word or action, appeared. His first miracle was, to change water into wine, and present it to the guests, on a festive occasion. It was not a small, but a large quantity; some *one hundred and twenty gallons*. At the command of the Saviour, it was drawn out and presented, through the governor of the feast, to the guests. Here was the manufacture, the presentation, and the *use* of wine as a beverage. The law of Christ, his own act and example, are in direct conflict with your law. That law must be shivered and broken, or Christianity must be set aside, and Mahommedanism introduced.

Suppose the Saviour were here, and the six water pots, all

filled, were before you, and you knew what he was about to do, would you dare to interpose your law, with its pains and penalties, to arrest *his* acts, and defeat his designs?

I know the way in which those who favor this law, creep out from this dilemma; meet it they cannot; no one has ever met it, but Mahomet, and he swept away the Bible for the Koran. If you take out one stone from the sacred arch of the "holy men who spake as they were moved by the Holy Ghost," the whole temple of revealed truth falls.

It is said, the wine made by the Saviour, and the wine *praised* in the Scriptures, was not alcoholic or fermented wine. Webster's definition of wine — the world's definition of wine is, "The juice of the grape fermented."

Rev. Eli Smith, missionary in Syria, was written to some years since, to investigate the nature of wine, and its manufacture, on the very spot where prophets spake, and the Saviour lived. He was to ascertain whether the Jews, as has been here affirmed, refused fermented wine, as they did fermented bread at the Passover. He went into the matter, and, as the result of his investigation, said: the Jews required a wine for the Passover that is fully fermented, ripe and smooth, and that has not gone over and touched the acetous fermentation. Mr. Smith was told that the natives of that country never heard of such a thing as *unfermented* wine. The words of Mr. Smith are these:

"The habit of enforcing wines by adding brandy is here, so far as I have been able to learn, entirely unknown. I am always answered, "brandy is dearer than wine, how can it, therefore, be used for purposes of adulteration." Equally unknown are drugged wines of any kind. On the other hand, unintoxicating wines I have not been able to hear of. All wines, they say, will intoxicate more or less. So in regard to fermentation; when inquiring if there exists any such thing as unfermented wine, I have uniformly been met with a *stare*

of surprise. The very idea seems to be regarded as an absurdity. The name of wine in Arabic, the same as the Hebrew, [*hamar,*] is derived from the word which means to *ferment.* It is cognate with the words, for leaven, and itself also signifies fermentation. I have not been able to learn even, that any process is ever adopted for arresting the vinous fermentation before it is completed. In regard to wine used at the Sacrament, I have questioned both papal and Greek priests, and received the same answer. It must, they say, be perfectly pure wine. If unfermented, it will not answer; nor will it if the acetous fermentation be commenced. The acknowledgment of the necessity of fermentation by the papists, is worthy of special notice, inasmuch as they reject fermented bread. Their admission of fermented wine indicates the belief, that the Saviour used fermented wine, notwithstanding it was the feast of unleavened bread. To this, so far as I have observed, the custom of the Jews now in Palestine corresponds." Bibliotheca, May, 1846, p. 378.

I recently put the question to a circle of some fifteen clergymen, whether they thought the wine at Cana was intoxicating; all but three said they had no doubt but it was.

TRENCH, a recent and able writer on the miracles, says of this miracle: "Of a piece with this is their miserable objection who find the miracle incredible; since, if the Lord did not minister to an excess already commenced, yet by the creation of 'so large and perilous a quantity of wine,' (for the quantity was enormous, — 120 gallons,) he would have put *temptation* in men's way; as though the secret of temperance lay in the scanty supply, and not in the strong self-restraint. But man *is to be perfected,* not by being kept out of temptation, but rather by being victorious in temptation."

Yet if the authors and advocates of your law had been consulted when Eden was planted, they would have plucked out from it the tree of the "knowledge of good and evil," and

have planted there another tree with the "Maine Law" hanging and dangling on all its branches. This would have saved all the pauperism and crime of every grade and color. Precious sages! Where were they when "the foundations of the earth were laid?" If they had only given counsel then, the "corner stone thereof would have been laid" without any temptation.

Will you, gentlemen, keep a law on your record, which impeaches the whole army of inspired patriarchs and prophets, the divine author of Christianity — God in the person of his Son?

The second reason why this law ought to be repealed is, it is a law of false pretences — in its name, and all its sections. It professes one thing, it aims at another. When a man has several names, he renders himself suspicious. This law is called by one name in Maine, by another in Massachusetts. Neither of them is the true name. Its true name would kill it. There is but one name that fits the object, spirit, and history of this law. It is a law to *enforce total abstinence.*

How like mockery it is to say a man may *use* what he pleases, when you expressly prohibit him from getting it for that very *use.* What difference, whether you make the fire so hot that he cannot sit by it, or drive a man from it? We will banish no one, said the ancients, only deprive him of *earth, air* and *water.*

What a man has a right to *use,* he has a right to get; and to deny the right to get, is to deny the right to use. If it is wrong to sell a man an intoxicating drink as a beverage, it is wrong to use it; and the same crime that you fix upon the seller, goes over by reflection, upon the man who uses. Why not take the bull by the horns, and say that every man who drinks a glass of wine as a beverage, shall be liable to a fine of ten dollars, or four months imprisonment?

It is said this law was started to relieve taxes; but tax

payers know where the burden rests, and the heaviest tax payers ask for the repeal of the law.

Again, the law is for the suppression of crime. But the courts, sheriffs, grand jurors, County and State attorneys did not ask for the law. Who did ask for it? Who brought this Trojan horse of many calamities into this State? The *total abstinence* committee. Why did they not name the child after the father? Because this State would not have owned it if they had. Set us no bad example of circuitous legislation — tending to teach deceit and dissimulation. It was *intended* in Maine, while it made no such avowal, to evade and nullify the laws of the United States in regard to importations. One of its advocates from that State said, no man could prove that he had imported any liquors unless he and his clerk rode on them, and slept on them, from Rochelle to Portland. The law of this State is not quite as bold in this regard as the law of Maine; but it is only on the level of cunning and trickery, while it is far below manly and open legislation. That I am not mistaken in attributing this object to the law, is shown in a resolution of the recent Convention of the friends of the law in Boston. Here the disguise slips off, and the *real* object of the law is seen. "Resolved —*That this law is to be regarded as the total abstinence pledge of a whole State;* and that it is a duty to God and humanity for *the State*, as for every individual, to keep the pledge unbroken."

A year ago, I affirmed that they were trying to enact the total abstinence *pledge* into a law, and was charged with slander. Now the living oracles themselves avow it.

How can the *State keep* the pledge of total abstinence? The State is represented by Governors, Sheriffs, Constables, &c., and the State can only keep the pledge by *obliging* the citizens to keep it, and this is exactly the point to be proved, viz: This is a law to enforce total abstinence — it does not avow that object, but another, and therefore, it is a *law of false pretences*, and ought to be repealed.

Again, it ought to be repealed, because it was enacted by a near approximation of religion with politics. I do not object to religious motives upon the mind of the legislator —by no means. But I do object to a union, or an approach to a union of the two great institutions of a nation. Society has two wants, religous and political. Out of the first rise temples, altars, sacrifices, religious ceremonies, and the teachers of religion. Out of the second want spring Courts, Governors, Counsellors, and law makers. Under the wing of the State, and under the blessing of religion — between these two great trees which represent the institutions of a country, there springs forth a little fountain — the family circle — which feeds the roots of these majestic trees — these three are the seed in which all the nations of the earth shall be blessed. They may be perfected — they cannot be changed nor done away with. They are as beautiful walking in harmony and love, giving mutual strength and support, as the sun and moon, with the clustering families of all the stars walking in the face of heaven. But let not Jupiter mount the same car with Saturn, nor fiery mars wed himself to the moon. So Church and State are to be united in object — the good of mankind — separate in action. The one brings its sanctions from earth with the strong arm of physical power, and upon the body — the other crowns its teachings with sanctions taken from eternity, revealed in the word of God, and resting upon the soul. Now such is the imperfection of the medium of administration both in Church and State—such is the tendency of the human heart to *lord* it over God's heritage—that a long course of painful experience, has taught the world that the same men must not wield at the same time, this double and mighty power.

Yet this is the natural tendency in the very nature of things. Poverty clusters in its hovels. The rich stretch out their palaces side by side upon the broad paved street. Power leans

towards power. The State courts the church, and she sometimes yields to the solicitation.

In the enactment of this law, there was an approximation to this. The Total Abstinence Committee issued a circular to every clergyman in the State, urging them to preach in favor of the Maine Law, also a hundred thousand copies of the Maine Law, with reasons and facts annexed. This preaching was generally done to order, and these petitions in favor of this law came pouring in. Then the politicians took it up, and looked every way, and thought with a certain amount of party political power, and the whole power of the church, and the clergy, they could go through any storm that might arise, and *so* and *therefore* they passed it. They were not convinced by any means of its wisdom, but they thought with the "benefit of clergy" they might escape hanging. In June last, another temperance convention was called to rejoice at the birth of this child—half of Israel and half of Ashdod, and the clergy were urged to preach upon it again, to *screw* the people and the officers up to the point of vigorous execution. Now I do not affirm that there is anything foul or corrupt in this matter, but I say it looks like the skirts of a cloud, stretching itself out over the Commonwealth, and it ought to be dispersed by the repeal of this law. A writer in the Puritan Recorder of this city, (Dr. Lord of Dart. Coll.) says in relation to this point —

"When the church, in the person of its constituted teachers and governors, publicly proposes that any particular variety of social reform is indispensable to the advancement of Christ's kingdom; and when in order to that reform, it also proposes that the State enact certain specific laws, and when, from its high places, it gives its general recommendation of such laws; and when moreover it resolves* that it, the church, will not

---

*Refer to the many resolutions of religious bodies in favor of the Maine Law.

rest, till that the State does so legislate, then I understand that the church acts politically. It formally declares legislation, which is political, to be a natural means to its own prosperity, which is spiritual; and it devotes whatever influence it has to procure political action for that end. It seeks to strengthen itself by the State. If this is not political action, then I do not see that any question about political action, on the part of the church, could be raised, or that the church could be supposed to act politically at all, except by usurping the functions of civil government itself, and taking possession of the Capitol. For if the church might resolve that it would not rest till the State should pass, for example, the Maine Law, for the advacement of Christ's kingdom, then by equal reason the State might resolve not to rest till the church should accept the chief magistrate as its temporal head, for the advancement of the State, and in the migbty altercation, the church and the state would come to the ground together.

From such a millennium as that, may God deliver us. Glorious it might seem to many of our sapient reformers; for then as there would be nothing to "come out from," or to supersede, "humanity," no longer trammelled by church or state, but liberated and enfranchised, could have its full "development," and shine forth in its native dignity and majesty. to the wonder of the world."

The consociation of Windsor County, Conn., say in a resolution, "The interests of religion and morality, imperatively demand a temperance law embracing the fundamental principles of the Maine Law."

The religion of the Gospel has lived 1800 years in this world of sin, tossed on all the seas of political agitation, in the midst of the heated fires of persecution, in the face of the sword drinking the blood of its disciples, and now so weak that it needs a Maine Law on which to lean for support!

This Law ought to be repealed because it puts the responsibility of *drunkenness upon the wrong party.*

It attempts to place that responsibility upon the manufacturer and seller.

It teaches the world a bad morality, and a bad religion, and that is, if a man errs, he is not chiefly, primarily responsible, he is a victim; the distiller and the seller are the sinners. I deny this; and yet it is taught in your law. I hesitate not to say that the time will come, when the ordinary traffic in ardent spirits will be treated and looked upon as any other traffic, and when a man sells any article of the kind to a responsible man, his responsibility ceases. These are necessary articles for the wants of society, in various forms, and for various purposes, and as the maker and seller in other things, does not direct the use of them, he cannot be accountable for the use of these articles.

There is indeed a great crime of drunkenness, and it rests chiefly and commonly with the drunkard himself. Where the carcase is, there the eagles gather; and the eagles of retribution fasten upon the drunkard himself. No man can make a wreck of body, soul and sensibilities, and not be chiefly guilty himself. There is a door to his own soul, the key of which, under God, is put into his own hand, and he opens for the admission of sin, and no man shuts; and when he shuts, no man can open. The world cannot hurt a man, if he does not hurt himself. To teach therefore, that a man cannot keep from becoming a drunkard, is to diminish his sense of responsibility, and to make his strength weakness.

One would suppose, by the language often used, that the rum-sellers had a great reservoir upon some hill in Boston, with pipes laid through every street, and their poor *victims* were caught at every corner, and the rum driven into them by a forcing pump. Now I can assure gentlemen from the country, there are no such machines in Boston. There are no temptations there of this kind, but a man of tolerable resolution and moderate virtue, may easily resist. And this resistance on the

part of the individual, must be taught, stimulated, *enforced* by pains and penalties upon drunkards. This double process will keep all that can be kept, and save all that can be saved. It is a law of *life*, that it resists the action of the atmosphere, passes through all climes unhurt, and breathes in "tainted air," but when life is gone, decay and dissolution ensue.

So it is with the soul. When that is alive it resists the action of outward objects and temptations upon itself, and makes them all minister to its strength and growth. Now this is the direction in which the stream must run. The waters of life must be turned in upon the soul, or drunkards will continue by thousands to gallop down to hell, over all the laws you can make.

The effort to change the responsibility of sin from the person who commits it, and to put it upon some other party, is not now for the first time made. The trick is as old as sin itself.

"Organic sins," the sins of society, is a very comfortable cloak in which to cover up and lay aside an individual transgression. The law of God is, "the soul that *sinneth*, it shall die."

The law of Sweden is, and I think a very good law:

"Whoever is found drunk, is for the first offence, fined $3; for the second $6; for the third or fourth, imprisonment is added to the fine, and deprived of the right of voting at the elections, or holding office, and exposure to the church on Sunday. For the fifth offence, hard labor and imprisonment for six months!!"

The Rev. Dr. Cheever, of New York, once an advocate of the Maine Law, now writes, as if convinced of the folly of laboring in that direction for the reformation of the world. He has made no other public avowal of a change of opinion, than in the passages which follow. I am very glad his meditations in the "pastures" have led him to such sound and just conclusions. He says,

"The only possibility of real progress in society, is founded of God in individual regeneration by the Holy Spirit; and of this, divine truth is the only instrumentality. They are vain nostrums every one, which the philosophers and philanthropists of this world, without the gospel, would apply for the lasting amelioration or reconstruction of society. In theory they are going to keep down all evil and misery, and to show the natural perfectibility of man; and they forever throw the depravity and misery of man upon the bad management and unequal division of society; forgetting or denying that the depravity of man is the sole cause of social disorder and wretchedness, and that till that depravity is corrected, and men are brought to God, social misery will remain, whatever expedients are applied to remove it. You cannot quiet the troubled sea of human existence or prevent its tempests while its depravity continues; no more than you could stay the rolling of the ocean while the winds blow and the moon is in her orbit. And whatever security you may think you have in any reformation, yet without God's hand in the gospel, and God's grace at the bottom of it, the particular evils will rise with tenfold fury for their partial check, like a volcano into which you are playing your engines. They will come forth with unabated vigor at the opportune junctures in the future progress of events, like some great serpent—in the language of John Foster—meeting and glaring upon the sight again, with his appalling glance and uninjured length of volume, after a storm of missiles had sent him to his retreat, and been poured in there with destructive intention after him. You might as well stand at Vesuvius, and undertake to calm its eruptions with a fire-engine, as imagine to repress the evils of society without the Gospel. We say not this to discourage philanthropic effort, but to base it where only it can be successful, on the institutions of the Gospel, and on the Spirit of God. There are speculations and schemes that anticipate success independently of the Gospel, and there are

others that expressly disclaim the Gospel; they are both alike destined to disastrous overthrow. The schemes of pure reason and virtue will never conquer the love of sensual gratification, of distinction, of power and of money."

Again, this Law ought to be repealed because it *wantonly* destroys property—it is *destruction* for no good *end.*

One of the *great* objects of law is to protect *property*, and thus stimulate and encourage industry and economy. Every individual has a degree of protection for himself in his own faculties and powers of resistance. A crime upon the person is indeed more heinous than a crime against property, but it is almost infinitely more difficult and dangerous. Hence laws also exercise themselves chiefly for the protection of *property.* Any thing like wantonness in the laws in regard to property, is of most pernicious tendency. Government may confiscate property—though this is common only under tyrannical forms of government. *Fines* are more just than confiscation. But in this case the law not only takes the property but wantonly and as I say *wickedly* destroys it; you have no more a moral right to turn rum, brandy or wine into the street than you have to turn out molasses, or scatter flour upon the winds. Each article is useful and necessary to the wants of society; each has cost labor and material in the creation, and so much more labor and material as you waste, will be required to make up the deficiency. Under your law, all the distilleries in Boston are in full operation. They manufacture what is demanded, and no more. One agency in Maine sold the last year *five hundred* barrels of new rum. Why will you not *sell* what you seize to your neighbors licensed under the Maine Law? The same telegraph, on the same day, that brought to Boston the news of the destruction of a barrel of liquor in Portland, brought an order from the agency there, to the same store from which the other barrel was sold, for another quantity of the same amount, and of the same quality. This may be the wisdom of *sages*, but if so it is too deep for me.

2 L 6

The argument is, "gambling instruments are destroyed—old clothes infected with the plague are burned." Is there any value in these articles, but for fuel? Does government license other men to make these gambling instruments, and to import cargoes of plague infected clothes? What analogy then in this illustration? None at all. Why is it used then? Because the case admits of no better. Argument will not sustain it, therefore resort is had to sophistry. That deep, inlaid sense of justice in the human breast, which is older than all laws, and stronger than kings, condemns this destruction as wanton, wicked, wasteful. If there were no other leak in your ship, this one would be sure to sink it. In that quiet which succeeds the storm and hurricane of passion and excitement, mankind would fix the seal of its irreversable condemnation upon this feature of the law.

This law ought to be repealed, because it furnishes a greater and more obvious temptation to sin, than the one it attempts to remove. I do not know that there is any difference in the eye of God between lying and drunkenness. The Devil has been rightly called the "father of lies," and he has had little to do the last year but to put on his gloves and walk round and inspect the agencies in Maine. Human nature would tell any one that this must be the result. The agency at Portland was soon abolished. The Grand Jury of Penobscot County has indicted the City of Bangor. The city agent sold it as any respectable merchant would do; and the Grand Jury found that all they had gained by the law, was a book kept by the agent, in which were a multitude of false records. It would be very painful to a sensitive mind to go to all the agencies in the State, and read of the multitudes in that State who have suffered from sickness the past year!!*

This point, about the lying, under the law, was confirmed by Mr. Pierpont, who stated that *eleven* young men in Waterville, had committed *perjury* to screen the man who had sold them liquors

I here very respectfully submit to this Committee that the law is unconstitutional, and therefore it ought to be repealed. Of course it would not become me to attempt any argument upon this point. But the Committee will recollect that Judge Shepley of Maine only saved the law by a wide latitude of interpretation, which he himself felt was trespassing upon the legislative branch of the government. Yet he said if they denied him this latitude of interpretation, he must pronounce the law unconstitutional.

The judges of New Hampshire have swept it by the board, by their unanimous decision. The Circuit Court of Rhode Island, by a very strong and able decision, have pronounced against it. In nearly every instance, where a case has got as far as the Common Pleas, in this State, it has been quashed there. Is it not absolutely certain to candid minds, that this law cannot stand in the courts of the land? Has not a judge of this State decided that it may be resisted, in certain circumstances, with impunity?

This Law ought to be repealed, because it is *not, and never can be, enforced.*

Dead laws, like dead limbs on a tree, had better be cut off. This law is dead in Massachusetts, and "at the gates of death" in Maine. In Cambridge, an attempt was made to execute it. A warrant was brought to the Sheriff, he took time for consideration, and came to the conclusion, that it was neither safe nor right for him to execute it. Then you reached bottom with your law—then and there spoke one man, AS all men will speak—it was the *Vox Populi*—which is the *Vox Dei.* That the law is not executed in this state is notorious. Yet the friends of the law, said in June last by a public resolution, that if the law failed, "it would fail through the fault of its friends." Its friends, then have let it fail so far. Are they to rally for its execution? What is to inspire them? Why, when the licences run out in Boston, then the law is to start

afresh. But it was said a few months since, that these licences would facilitate the execution of the law in other parts of the state—it would just neutralize the influence of Boston—and on the whole, the friends of the law were glad that Boston was reserved for the last blow, just as the Cyclops kept Ulysses for the last mouthful. Alas for one eyed monsters, Ulysses was too many for him, and Boston has not yet become the victim of the one-eyed Maine Law.

The law is not executed in Maine. In Portland, if any where, it ought to be steadily enforced. Its author says *three* temperance men can do it any where. Hon. Horace Mann says, it is almost perpetual motion itself, and *one* man can grind the rumsellers to powder in it.

In Portland, from Jan. 19th, to March, 1, there were thirty-nine commitments for drunkenness. About one man fined every other day, for selling liquors.

And yet the Temperance Watchman of Feb. 12th, 1853 — the organ of the Law and its author in Maine, says, "Since that *wicked* decision of Judge Curtis, ('Thou shalt not speak *evil* of the ruler of thy people?') our city fathers have adopted the let alone policy, and seem to take it for granted that our Courts will be alike foolish, (!) and be governed in future by a Boston rum lawyer, who doubtless acts more under the influence of commerce than of the Constitution or the law. We would have our city government understand that the Liquor Law in Maine remains intact, and that the same necessity exists for enforcing it now as existed several months since. Why is it, we would ask, that such large quantities of Liquor are now brought into the city daily, and yet no seizures are made?" Here is an admission that the law is not enforced in Portland. From another place in the interior of the State, a gentleman writes me—one who at one time thought well of the law—"in this place, and elsewhere the law has been for

a long time a dead letter—I fear more evil than good will result from it." A law therefore that is not, and that will not be enforced, had better be repealed.

Finally, gentleman of the Committe, this law *will be* repealed, and therefore the sooner, the better.

"The thing that hath been, is that which shall be, and there is nothing new under the sun." There have been Maine Laws before, and they have always been repealed.

There was a MAINE LAW in the time of George the II. in great Britain. During the latter part of the reign of George I, and the earlier part of that of George II, gin drinking was exceedingly prevalent, and the cheapness of ardent spirits, and the multiplication of public houses, were denounced from the pulpit, and in the presentments of grand juries, as pregnant with the most destructive consequencs to the health and morals of the community.

At length, ministers determined to make a vigorous effort to put a stop to the further use of spirituous liquors, except as a cordial or medicine. For this purpose, an act was passed in 1734, the history and effects of which deserves to be studied by all who are clamorous for an increase of duties on spirits. Its preamble is to this effect: "Whereas, the drinking of spirituous liquors or strong water, is become very common, especially among people of lower and inferior rank, the constant and excessive use of which tends greatly to the destruction of their health, rendering them unfit for useful labor and business, debauching their morals, and inciting them to perpetrate all vices; and the ill consequences of the excessive use of such liquors are not confined to the present generation, but extend to *future* ages, and tend to the destruction and ruin of this kingdom." The enactments were such as might be expected to follow a preamble of this sort. They were not intended to repress the vice of gin drinking, but to root it out altogether,

To accomplish this a duty of 20 shillings a gallon was laid on spirits, exclusive of a heavy license duty on retailers. Extraordinary encouragements were at the same time held out to informers, and a fine of £100 was ordered to be rigorously exacted from those who, even through inadvertency, should vend the smallest quantity of spirits which had not paid the full duty. Here was an act which might, one should think, have satisfied the bitterest enemy of gin. But instead of the anticipated effects, it produced those directly opposite. The respectable dealers withdrew from a trade proscribed by the Legislature; so that the spirit business fell almost entirely into the hands of the lowest and most profligate characters, who, as they had nothing to lose, were not deterred by penalties from breaking through all its provisions. The populace having in this, as in all similar cases, espoused the cause of the smugglers and unlicensed dealers, the offices of the revenue were openly assaulted in the streets of London, and other great towns; informers were hunted down like wild beasts, and drunkeness, disorders and crimes insreased with frightful rapidity. "Within two years of the passing of this act," says Tindall, "it had become odious and contemptible, and policy, as well as humanity, forced the commissioners of excise to mitigate its penalties." (Continuation of Rapin, vol. VIII, p. 358, ed. 1759.) The same historian mentions, (vol. VIII. p. 390), "that during the two years in question, no fewer than 12.000 persons were convicted of offences connected with the sale of spirits. But no exertion on the part of the revenue officers and magistrates could stem the torrent of smuggling.

The effects of this prohibitory law upon the people of England are thus described by Lord Chesterfield, who opposed the ministry on the new license law. But of the effects of the old prohibitory law he says this: "It is evident, my lords, from daily observation, and demonstrable from the papers upon

the table, that every year since the enaction of the last law, *that vice has increased, which it was intended to repress*, and that no time has been so favorable to the retailers of spirits as that which has passed since they were prohibited."

The increase of the trade in gin from 1734 to 1742, was from 4.947.000 gallons to 7.160.000; an increase of 2.213.000 gallons in *eight years*, while the increase in the *ten* years, from 1724 to 1734 was only 1.427.000 gallons.

The repeal of the prohibitory law was carried, and a license law substituted by a vote of 82 to 54, in the house of lords.—In the commons the repeal and the new law were carried by acclamation. The Anglo-Saxon race would not bear a prohibitory law on this subject one hundred years ago, they will not now.

The Report of the American Temperance Union for 1839 says that there was at that time a prohibitory law in Tennessee, which that Report extols almost in the same language that has been used about the Maine Law. "Her inns have been purified, her tippling houses all along her rivers swept away. The change is wonderful." That eulogy was also the epitaph on the Tennessee Law.

The same Report says of the "Prohibitory Statute" of Massachusetts: The law went into operation the first of April, 1839. Most of the retailers of spiritous liquors showed a manly spirit of obedience. Day of jubilee for a state long enslaved by alcohol. The few who have continued to sell have found to their confusion that the law reigns and that its sanctions must be felt." Scarcely the type on which this law was printed had become dry, when the law was repealed.

This law will speedily be repealed. The signs of this are as thick as the buds of Spring in May. Its author, the Mayor of Portland, has been swept away by it. The Governor of Maine died politically, for the act of signing this law. The

law itself will follow its authors. The people will sweep it away, and it will be added to the catalogue of popular delusions. And when folly shall build her Pyramid of triumphs over mankind, it will stand thus:

CRUSADES!

MESMERISM!

WITCHCRAFT!

MORMONISM!

MILLERISM!

RAPPINGS!

MAINE LAW!

On this last block of her honey-combed Pyramid, she can sleep secure against all rivals, and undisturbed for many ages to come.

TO THE READER.

This book is not in good condition. Please use it carefully. OK

B.P.L. FORM NO. 403: 8.2.29: 5M.

APR 30

MAY -4